

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
CASE NO. 3:21-CR-00277-FDW-DCK**

UNITED STATES OF AMERICA

v.

JOHN PAUL DURANT,

Defendant.

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ORDER

THIS MATTER is before the Court on Defendant's Motion to Reduce Sentence (Doc. No. 36). For the reasons set forth below, Defendant's Motion is **DENIED**. Defendant is not eligible for a sentence reduction under Amendment 821 to the United States Sentencing Guidelines because the amendment does not change the Guidelines Range the Court considered when imposing his amended sentence. (Doc. Nos. 30, 31.)

On January 19, 2024, Defendant filed a motion for a sentence reduction based on Amendment 821 to the United States Sentencing Guidelines. (Doc. No. 32.) On February 8, 2024, the Court denied Defendant's motion because the application of Amendment 821 does not change Defendant's Guidelines Range. (Doc. No. 34.) Defendant's renewed motion claims he is eligible for relief under Part A of Amendment 821 because he now scores one criminal history point instead of two. (Doc. No. 36, p. 2.)


Defendant's argument is premised on a misunderstanding of the Sentencing Guidelines. When the Court imposed Defendant's sentence of 57 months imprisonment, it considered a Guidelines Range of 57 to 71 months based on a total offense level of nineteen (19) and a criminal history category of V. (Doc. No. 31, p. 1.) The Court adopted the Presentence Report, which calculated Defendant's criminal history score as a category V because he scored twelve points,

two of which were status points. (Doc. No. 27, p. 9.) Amendment 821 Part A reduces his total criminal history points, from twelve (12) points to eleven (11) points, both of which yield a criminal history category of V—the same criminal history category the Court considered when it imposed Defendant’s sentence. For this reason, Amendment 821 has no effect on Defendant’s Guidelines Range and he is not eligible for a sentence reduction. The Court’s Order denying Defendant’s first motion, (Doc. No. 34), stands.

IT IS THEREFORE ORDERED that Defendant’s Motion to Reduce Sentence (Doc. No. 36), is **DENIED**.

IT IS SO ORDERED.

Signed: October 17, 2024


Frank D. Whitney
United States District Judge

